

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WAYNE THOMAS HART,

Plaintiff,

Case No. 1:14-cv-924

v

HON. JANET T. NEFF

90TH DISTRICT JUDICIAL  
COURT et al.,

Defendants.

\_\_\_\_\_ /

**OPINION AND ORDER**

Plaintiff, proceeding *pro se*, filed this lawsuit seeking relief pertaining to his conviction in state court. The Magistrate Judge issued a Report and Recommendation (Dkt 5), recommending that this Court dismiss the action for lack of subject matter jurisdiction. Plaintiff has filed an Objection to the Report and Recommendation (Dkt 7). Plaintiff seeks to amend his Complaint to omit certain requested relief to overcome the lack of subject matter jurisdiction. Such amendment, even if granted, would not change the essential nature of this action attacking his state conviction, and thus, would not cure the lack of subject matter jurisdiction. The Objection is therefore denied.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court denies the objection and adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58.

**THEREFORE, IT IS ORDERED** that the Objection (Dkt 7) is DENIED, and the Report and Recommendation (Dkt 5) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that this case is DISMISSED for lack of subject matter jurisdiction.

Dated: July 6, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge